



E e l R u s s i a n R i v e r C o m m i s s i o n
501 Low Gap Rd., Rm 1010 ♦ Ukiah ♦ California 95482 ♦ (707)463-4441 ♦ fax (707)463-7237

HUMBOLDT COUNTY
 Estelle Fennell – Chair
 Rex Bohn

MENDOCINO COUNTY
 Carre Brown
 John McCowen

SONOMA COUNTY
 James Gore – Vice Chair
 Lynda Hopkins

Lake County
 Jim Steele

AGENDA

DATE: June 8, 2018

TIME: 10:00 A.M

PLACE: Mendocino County Board of Supervisors Chambers
 501 Low Gap Road, Room 1070
 Ukiah, California

1. **ROLL CALL**
2. **APPROVAL OF MEETING MINUTES – Action Item**
 2a) February 23, 2018, Regular Meeting
3. **PVP SPRING RELEASE STRATEGY RPAS B.3 AND D.1**
 Presenter/s: Joshua Fuller, Fishery Biologist, NOAA Fisheries West Coast Region, California Coastal Office
4. **POTTER VALLEY PROJECT FISHERIES STUDY UPDATE AND BRIEF UPDATE REGARDING STATUS OF LICENSE COMPLIANCE STUDIES AND RELICENSING STUDIES**
 Presenter/s: Paul F. Kubicek, Senior Consulting Scientist, Pacific Gas and Electric Company
5. **PG&E LETTER TO THE COMMISSION REGARDING THE POTTER VALLEY PROJECT FERC RELICENSING**
 Presenter/s: Mr. David Moller, Director, Power Generation, Pacific Gas and Electric Company
6. **INFORMATIONAL UPDATE REGARDING HUMBOLDT COUNTY BOARD OF SUPERVISORS DRAFT POLICY STATEMENT REGARDING THE FUTURE OF THE POTTER VALLEY PROJECT**
 Presenter/s: Chair Fennell
7. **AD HOC COMMITTEE REPORT ON THE REVIEW OF THE EEL RUSSIAN RIVER COMMISSION JOINT POWERS AGREEMENT – Action Item**
 Presenter/s: Commissioners Gore and Fennell
8. **COMMISSIONER REPORTS**
9. **OTHER BUSINESS**
 9a) Selection of the Lake County Alternate Seat
10. **PUBLIC EXPRESSION**
The Commission limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Commission.

Additional Meeting Information for Interested Parties

Directions to the Mendocino County Board of Supervisors Chambers

From the North:

- Take HWY 101 to the North State Street exit.
- Follow South along State Street to Low Gap Road (3rd light.)
- Take a Right on Low Gap Road to the stop sign.
- Go straight at the stop sign. On the Left will be the main entrance to the County Buildings.
- The Board of Supervisors Chambers is located through the main doors (adjacent to the round-a-bout) and half way down the hall on the left.

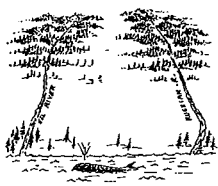
From the South:

- Take HWY 101 to the Perkins Street exit.
- Take a Left over the freeway and then a right at the second stop light (Perkins Street)
- Follow Perkins Street until you reach Low Gap Road.
- Turn Left onto Low Gap Road until you reach the stop sign at the intersection of Low Gap and Bush Street.
- Go straight at the stop sign. On the Left will be the main entrance to the County Buildings.
- The Board of Supervisors' Chambers is located through the main doors (adjacent to the round-a-bout) and half way down the hall on the left, in room 1070.

The Eel Russian River Commission complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Eel Russian River Commission secretary by calling (707) 463-4441 at least five days prior to the meeting.

If you wish to address the Commission on any matter on the agenda, please review and complete the public comment/speaker form available at the back of the Board Chambers. If you wish to submit documentation, please provide 6 copies to the secretary.

Thank you for your interest in the proceedings of the Eel Russian River Commission.



Eel Russian River Commission

Agenda Summary

ITEM NO.: 2a

AGENDA TITLE:

Approval of Meeting Minutes from the February 23, 2018, Regular Meeting

MEETING DATE: June 8, 2018

ITEM TYPE: Minutes

ACTION:

MOTION: **2nd**



E e l R u s s i a n R i v e r C o m m i s s i o n
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DRAFT SUMMARY MINUTES – February 23, 2018

Humboldt County Board of Supervisors Chambers
 825 5th Street, First Floor, Eureka, CA 95501

Agenda Item No. 1 – Roll Call (10:07 A.M.)

The following Commission members were present: Chair Estelle Fennell, Humboldt County Representative; Vice Chair James Gore, Sonoma County Representative; Commissioner Carre Brown, Mendocino County Representative; and Commissioner Jim Steele, Lake County Representative.

Also Present: Ms. Karla Van Hagen, Secretary; Mr. Phillip Buehler; Mr. David Kajtaniak; Mr. Paul Kubicek; and Mr. David Moller.

Agenda Item No. 2 – APPROVAL OF MINUTES FROM NOVEMBER 19, 2017, MEETING

Upon motion by Commissioner Gore, seconded by Commissioner Brown, and carried (3/0/1, with Commissioner Steele abstaining); IT IS ORDERED that the November 19, 2017, minutes of the Eel Russian River Commission are hereby approved.

Agenda Item No. 3 – EEL RIVER RECOVERY PROJECT PRESENTATION

Presenter/s: Mr. Phillip Buehler, Project Manager, Eel River Recovery Project

Mr. Buehler gave a brief presentation on the "Recovery Project Priority Sub-Basins for Flow Restoration", and the status of their current grant application to the State Water Resources Control Board to assist citizen monitoring throughout the Eel River watershed, and for grassroot efforts to promote water conservation and pollution prevention.

Upon motion by Commissioner Brown, Second by Commissioner Steele, and carried unanimously, IT IS ORDERED that the Eel Russian River Commission shall send a letter of support on behalf of the Eel River Recovery Project (ERRP) grant application.

Agenda Item No. 4 – SOUTH FORK EEL RIVER SALMON HABITAT RESTORATION PRIORITIES

Presenter/s: Mr. David Kajtaniak, Environmental Scientist, California Department of Fish and Wildlife

Mr. Kajtaniak provided a presentation regarding "SHaRP (Salmon Habitat Restoration Priorities) in the South Fork Eel River; the Next Step for Recovery Implementation", which is a process used to identify effective restoration within priority areas of salmon strongholds. He stated that the focus is on limited resources on certain creeks within a watershed to maximize the overall benefit, and explained how this plan differed from the previous recovery plans. A brief discussion regarding salmon strongholds in the South Fork of the Eel River followed his presentation.

Commissioner Brown requested that a representative from the Department of Fish and Wildlife provide a follow-up presentation to the Eel Russian River Commission at their next Regular meeting.

Agenda Item No. 5 – POTTER VALLEY PROJECT FISHERIES STUDY UPDATE

Presenter/s: Mr. Paul Kubicek, Senior Consulting Scientist, Pacific Gas and Electric Company; and Ms. Jen Riddell, Senior Scientist, Garcia and Associates.

Mr. Kubicek provided an update and current statistics regarding PG&E's monitoring studies, annual performance monitoring; 2017-18 Chinook Salmon carcass surveys, summer water temperature monitoring at various sites in the Eel River and selected tributary streams, summer fish rearing monitoring, Pikeminnow monitoring and suppression, and Bald Eagle productivity surveys at four nesting territories.

Agenda Item No. 6 – POTTER VALLEY PROJECT FERC RELICENSING UPDATE

Presenter/s: Mr. David Moller, Director, Power Generation, Pacific Gas and Electric Company

Mr. Moller provided an update regarding the Potter Valley Project FERC Relicensing Program and PG&E's vision of the project's future. He reported that PG&E is currently evaluating the overall fit of the project for PG&E electric customers moving forward, as well as considering multiple options including: selling the project; withdrawing the Notice of Intent to Relicense Project; and continuing to own and operate the project as part of PG&E's generation portfolio. He continued that PG&E is also assessing how those options might fit into the statutory timeframe of the relicensing project. He concluded by stating that PG&E is expected to make a decision within the next several months.

The Commission discussed possible options for the future of the project with Mr. Moller, which included selling through bilateral negotiation or auction process. It was noted that PG&E has received several offers regarding the potential sale.

Discussion then ensued regarding the origin of the Eel Russian River Commission, the need to review the Joint Powers Agreement, and to stay in direct communication with PG&E regarding their decision making process.

Agenda Item No. 7 – REVIEW OF THE EEL RUSSIAN RIVER COMMISSION JOINT POWERS AGREEMENT

Presenter/s: Commissioners

Chair Fennel led the Commission through the review of the Joint Powers Agreement (JPA). Commissioner Gore questioned the creation of the Eel Russian River Watershed Conservation and Development Plan, as stated in the Agreement. Commissioner Brown advised that the Commission had begun development of the plan, but had not completed it. Questions were raised regarding Commission boundaries and the possible need to expand membership. Commissioner Brown noted that page 10 of the current JPA states that the Commission can own property, but cannot incur a debt. Additional questions regarding liability insurance for the Commission; Brown Act requirements; legal counsel; and potential overlapment of duties and responsibilities for each of the participating County's counsel were raised.

GENERAL CONSENSUS OF THE BOARD that Chair Fennell and Commissioner Gore are appointed to an Ad Hoc Committee to review the Commission's Joint Powers Agreement.

The Board clarified that any significant suggested changes should be presented to each participating entity of the JPA for review and approval.

Agenda Item No. 8 – COMMISSIONER REPORTS

No further comments were made.

Agenda Item No. 9 – OTHER BUSINESS – Selection of the Lake County Alternate Seat

No action was taken on this item.

Agenda Item No. 10- Public Comment –

Presenter/s: Ms. Kelly Lincoln.

The meeting of the Eel Russian River Commission adjourned at 12:51 P.M.

Karla Van Hagen, Secretary

DRAFT



Eel Russian River Commission

Agenda Summary

ITEM NO.: 3

AGENDA TITLE:

PVP Spring Release Strategy RPAS B.3 AND D.1

MEETING DATE: June 8, 2018

PRESENTER: Mr. Joshua Fuller

ITEM TYPE: Regular Agenda

ACTION:

MOTION: 2nd

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

NOAA's National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), and Round Valley Indian Tribes (RVIT) jointly request Pacific Gas and Electric Company (PG&E) to implement a spring release strategy using reserved blockwater and Lake Pillsbury's warmer water surface layer to encourage and enhance the emigration (outmigration) of federally ESA-listed salmonids within the Eel River, CA. This request is pursuant to Reasonable and Prudent Alternatives (RPAs) B.3 and D.1 within the NMFS 2002 Biological Opinion that was incorporated into the Federal Energy Regulatory Commission 2004 amended License for the Potter Valley Project. These RPA components state that:

"PG&E shall continue to cooperate in releasing warm water from the spillway of Scott Dam in the late winter/early spring period to promote the timely downstream migration of juvenile Chinook salmon from the Eel River between Scott and Cape Horn dams (B.3; p.89)."

"2,500 ac-ft. are reserved for release at the discretion of resource agencies each water year (D.1; p.89)."

To date, no blockwater has been used in the 2017/18 water year. This requested B.3/D.1 spring release strategy is described below and is expected to use the full reserved allocation of 2,500 acre-feet of available blockwater. The current storage in Lake Pillsbury is 73,073 acre-feet (5/09/2018 per the *Potter Valley Project Agency Nightly Report*).

Operational Details of this Requested RPA B.3/D.1 Spring Release Strategy:

PG&E shall implement the following RPA B.3/D.1 spring release strategy below Scott and Cape Horn dams. PG&E will accomplish this operation by releasing the prescribed volume of blockwater (RPA D.1; Figures 1 and 2; Appendix A) through a combination of releases from the needle valve and from the warmer surface water of Lake Pillsbury (RPA B.3) through the radial or slide gates atop of Scott Dam to maintain water temperatures between 14.5°C and 16.5°C; but not to exceed 17.0°C downstream of Scott Dam (E-2). The objective of the 14.5°C to 16.5°C target temperature range below Scott Dam is to encourage the outmigration of juvenile salmonids (smolts) existing within the project area.

Prescribed blockwater will supplement *existing flow conditions* (defined below; operational procedures #3) below Scott Dam (E-2). All blockwater is required to be bypassed and recorded at the gauging station immediately downstream of Cape Horn Dam (E-11). If temperatures begin to exceed 16.5°C at E-2, then decrease the proportion of surface water released at the radial and/or slide gates while simultaneously increasing flows from the Scott Dam needle valve to ensure the target temperature range and flows at E-2 are achieved and maintained. Vertical profile water temperature measurements taken by PG&E from Lake Pillsbury (Array #1 and #2; near the dam face) on April 30 and May 8, 2018, showed water temperatures ranging from 14.0°C to 20.0°C within the top 6 meters of Lake Pillsbury. The average daily water temperature released from the needle valve as reported in the May 9, 2018 *PVP Agency Nightly Report* is 10.4°C. Furthermore, while surface temperatures (top 6 meters) remain close to the target temperature range of 14.5°C to 16.5°C, maximizing the release volume from either the radial or slide gates provides the best option to achieve the desired outcomes of this spring release strategy. In addition to results from the *Potter Valley Project Warmer Water Surface Release (RPA B.3) Request Spring 2014* (Figure 3), the May 8, 2018 water temperature profile information was used to predict valve/surface gate proportioning

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

to achieve the 14.5°C to 16.5°C release water temperature target. Based on the May 8, 2018, water temperature profile and water temperature modeling (Appendix B), properly proportioning needle valve releases (*i.e.*, 50cfs) and surface releases should achieve intended net release water temperature range (14.5°C to 16.5°C) below Scott Dam to encourage outmigration of juvenile salmonid smolts (Figure 4; Appendix B).

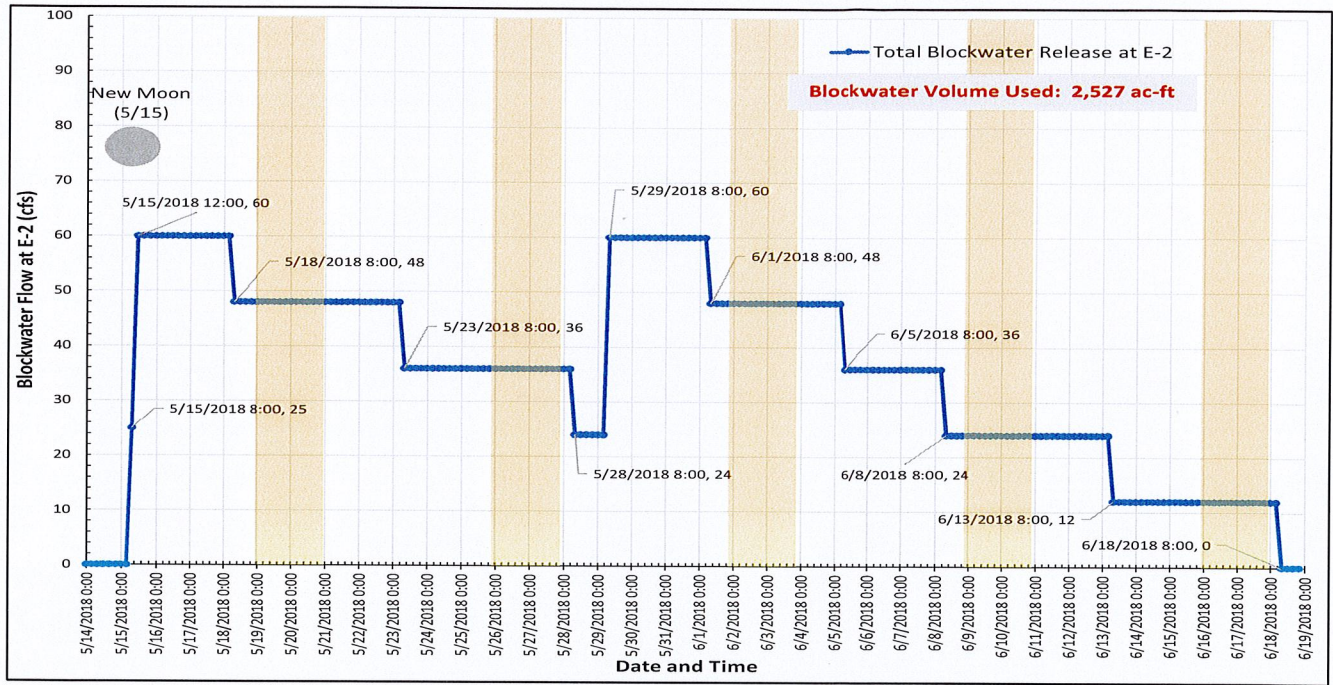


Figure 1. Requested blockwater release schedule, spring 2018. Data points indicate the volume of prescribed blockwater **to be added to existing flow conditions**, yellow bars indicate weekends. *Existing flow conditions* are defined as the previous day's flow reported on the *PVP Agency Nightly Report* below Scott Dam (E-2).

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

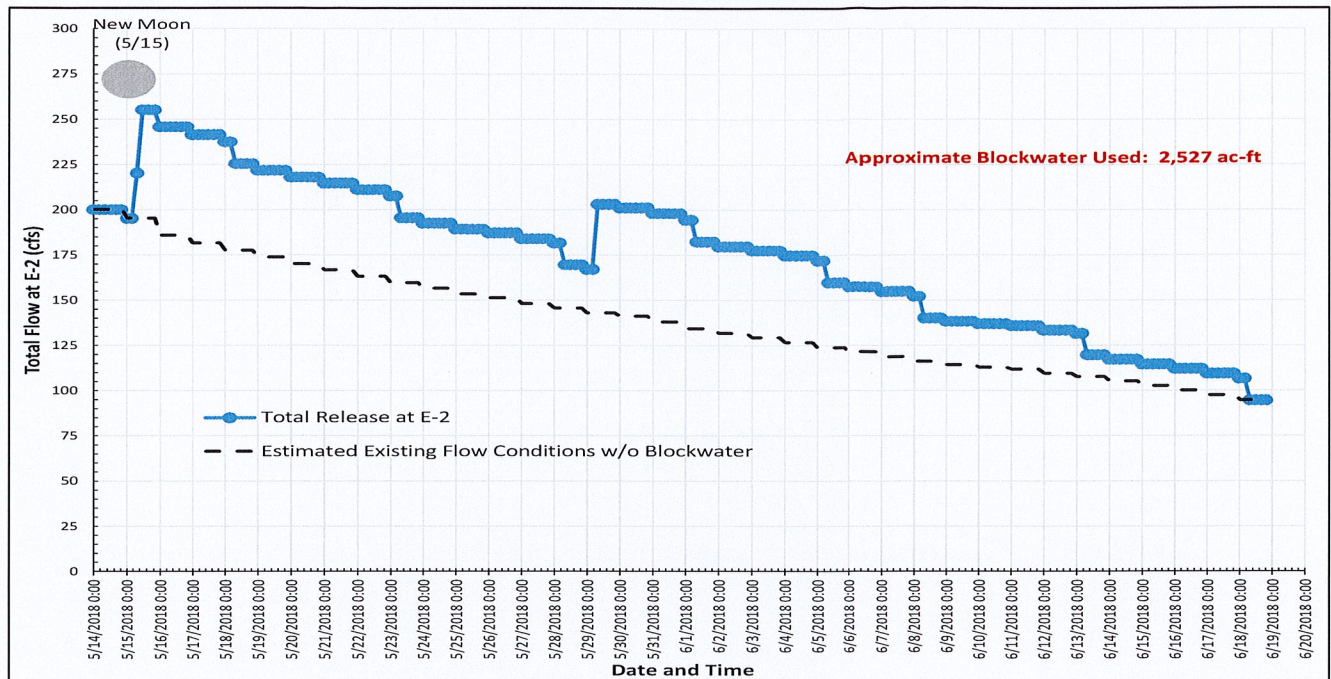


Figure 2. Spring 2018 requested blockwater release schedule **showing an estimated *existing flow condition with blockwater*** based on PG&E operations, inflow, and tributary accretion forecast. Actual *existing flow conditions* are defined as the previous day's flow reported below Scott Dam (E-2) on the *PVP Agency Nightly Report*.

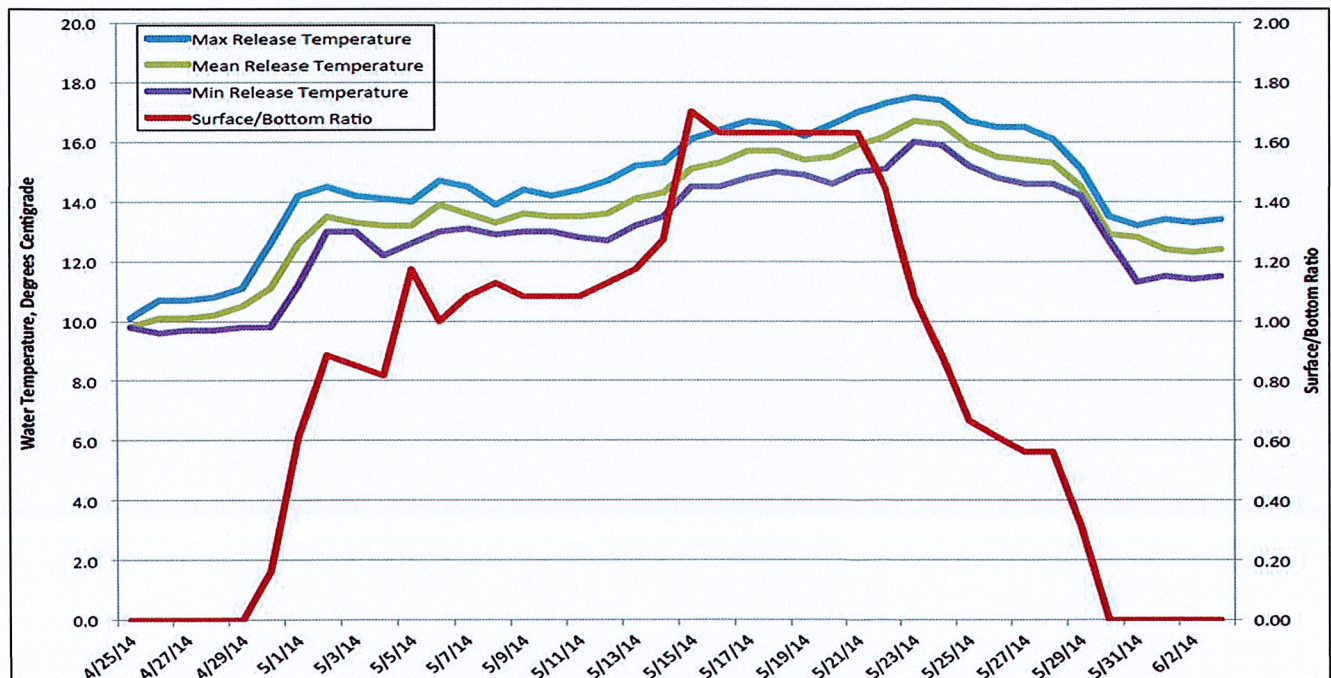


Figure 3. Surface/bottom release ratio information from the *Potter Valley Project Warmer Water Surface Release (RPA B.3) Request Spring 2014*. Figure provided by PG&E at the April 1, 2015 Potter Valley Agency Coordination Meeting.

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

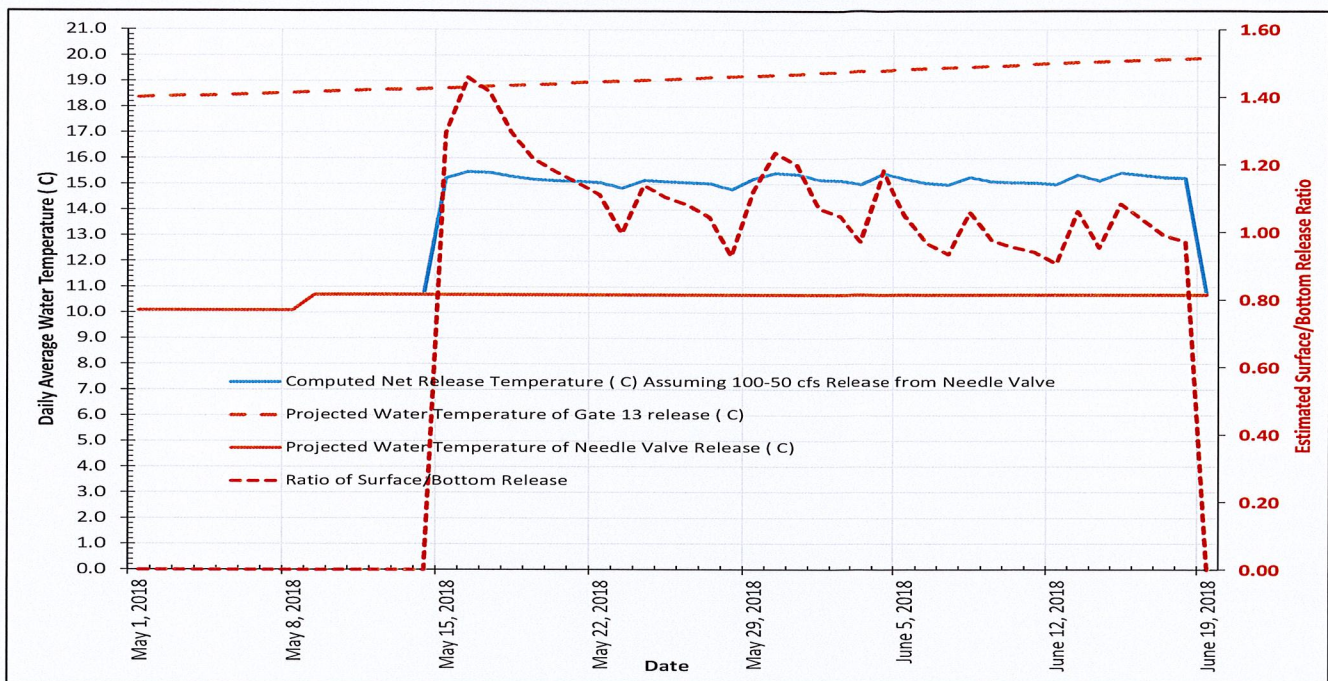


Figure 4. Projected release water temperatures at mixed release points (i.e., slide gate 13 and needle valve) from Scott Dam, and computed net release temperature assuming a 50 -100 cfs release from the needle valve during blockwater releases, and estimated flow release proportioning needed to achieve net release temperatures between 15.0°C and 15.5°C during blockwater release (to achieve 14.5°C - 16.5°C target range). Projected water temperatures are based on recent data collected on May 8, 2018 in Lake Pillsbury at temperature arrays #1 and #2, near Scott Dam, and needle valve temperatures measured immediately below Scott Dam (E-2) while release gates (surface water) were closed. Actual proportioning will be conducted by PG&E operators to ensure that total release temperatures to achieve 14.5°C - 16.5°C target range.

The following operational procedures apply to this RPA B.3/D.1 spring release strategy:

1. Beginning on May 15, 2018, or as soon after this date when operationally feasible, PG&E shall initiate this RPA B.3/D.1 spring release strategy by releasing the maximum volume of Lake Pillsbury's surface water possible to achieve blockwater flow targets from the radial or slide gates located atop of Scott Dam. Meanwhile, releases from the Scott Dam needle valve shall be minimized to the lowest release volume possible (50cfs), unless temperatures at E-2 exceed 16.5°C.
2. Blockwater releases are to follow the flow schedule prescribed in Figures 1 and 2. All blockwater is to be used for supplementing *existing flow conditions* recorded at Scott (E-2) and Cape Horn dams (E-11).
3. *Existing flow condition(s)* are define by flows reported on the previous day's *Potter Valley Project Agency Nightly Report (excluding blockwater flows)*.

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

4. Water temperatures below Scott Dam (E-2) shall not exceed 17.0°C with a target temperature range of 14.5°C to 16.5°C. If this temperature range cannot be achieved within a reasonable duration (12-24 hours) and/or temperatures exceed 16.5°C, the *Resource Entities* (NMFS, CDFW, and RVIT) will be notified as soon as operationally feasible to provide further guidance.
5. If surface releases are no longer available or severely depleted to the extent that water temperature manipulation is no longer effective, alternative release strategies will be discussed with PG&E and the *Resource Entities* to make the proper adjustments.
6. Following the use of all prescribed blockwater, or if otherwise notified by the *Resource Entities*, PG&E shall decrease the proportion of surface releases to bottom releases at a 25% transfer-rate-per-day until the entire discharge from Scott Dam is released from the needle valve.

Biological Rationale

This RPA B.3/D.1 spring release strategy seeks to encourage and enhance the outmigration of juvenile salmonid smolts (Chinook salmon and steelhead trout) between and downstream of Scott and Cape Horn dams by increasing water temperatures and flow variability in efforts to simulate natural environmental cues. Low numbers of adult Chinook salmon (total 232; male 87, female 114, jack 27, unknown 4) returned to Van Arsdale Fish Station (VAFS) during the fall 2017 spawning migration. Due to this low number of Chinook salmon spawners above Cape Horn Dam, implementing this PVP spring releases strategy is critical to aid the successful emigration of juvenile Chinook salmon from the project area and mainstem Eel River.

As described in the 2002 NMFS Biological Opinion, past monitoring in the Upper Eel River has indicated that muted natural cues due to unnatural sustained cooler water temperature and constant flow rates released from the Scott Dam needle valve can delay the timely emigration of juvenile Chinook salmon from the project area. This notion is further supported by data from nearby tributaries of the Upper Eel River where greater numbers of juvenile Chinook salmon have been shown to emigrate in the spring as natural streamflow, temperature and environmental conditions change. For example, when daily average water temperatures reach approximately 15°C combined with receding streamflow in Tomki Creek, the peak of the juvenile Chinook salmon emigration occurs. Additionally, attempts to mimic natural environmental cues via reservoir operations have occurred in the past with success.

Based on these previous observations we believe this requested 2018 RPA B.3/D.1 spring release strategy will primarily enhance and encourage the emigration of juvenile Chinook salmon within the project area; however, many other salmonids will benefit from this action as they enter the Eel River from tributaries downstream of Cape Horn Dam (e.g., Chinook salmon and steelhead from Tomki Creek; Chinook salmon, coho salmon, and steelhead from Outlet Creek). These others benefits include improved flows conditions for migration (upstream and downstream), increased foraging opportunities, and possibly a higher probability of juvenile salmonids avoiding predators as they emigrate to the lower Eel River and estuary.

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

Hypothesis and Effectiveness Monitoring

This RPA B.3/D.1 spring release strategy will test the following hypothesis:

- 1) A spring release strategy incorporating temperature manipulation and variable flow rates while incorporating a *new moon* will encourage and enhance the emigration of juvenile Chinook salmon downstream of Scott and Cape Horn dams.

The following data will be gathered to test this hypothesis:

- 1) Flows will be measured at E-2 (~ 1 mile downstream of Scott dam) and E-11 (just downstream of Cape Horn Dam ~12 miles from Scott Dam) in addition to gage data downstream of Cape Horn Dam.
- 2) Starting April 5, 2018, CDFW will conduct outmigrant trapping at VAFS until this spring release strategy is completed.
- 3) Water temperature will be monitored at E-2 and within the VAFS fishway at Cape Horn Dam to gather temperature data prior to, during and after this RPA B.3/D.1 spring release strategy.

Additional information regarding this RPA B.3/D.1 spring release strategy:

- 1) NMFS, CDFW, and RVIT will provide a summary of the associated monitoring results in fall 2018.
- 2) NMFS will notify the USFWS about this requested RPA B.3/D.1 spring release strategy.
- 3) NMFS will notify the Eel/Russian River Commission regarding this requested RPA B.3/D.1 spring release strategy.

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

Appendix A. RPAs D.1 and B.3 guidance.

RPA D.1 Blockwater Protocol: 2018

- All flow release adjustments are to occur at 8:00am PST; except for the initial ramp-up release following testing on 5/15/18.
- All flows listed in the following steps are supplemental flows to RPA required flow conditions at E-2 and E-11.

Step 1: 5/15/18 at 8:00am or when testing is completed, ramp-up 60cfs to 60cfs above RPA required flow conditions.

Step 2: 5/18/18 at 8:00am ramp-down 12cfs to 48cfs above RPA required flow conditions.

Step 3: 5/23/18 at 8:00am ramp-down 12cfs to 36cfs above RPA required flow conditions.

Step 4: 5/28/18 at 8:00am ramp-down 12cfs to 24cfs above RPA required flow conditions.

Step 5: 5/29/18 at 8:00am ramp-up 36cfs to 60cfs above RPA required flow conditions.

Step 6: 6/1/18 at 8:00am ramp-down 12cfs to 48cfs above RPA required flow conditions.

Step 7: 6/5/18 at 8:00am ramp-down 12cfs to 36cfs above RPA required flow conditions.

Step 8: 6/8/18 at 8:00am ramp-down 12cfs to 24cfs above RPA required flow conditions.

Step 9: 6/13/18 at 8:00am ramp-down 12cfs to 12cfs above RPA required flow conditions.

Step 10: 6/18/18 at 8:00am ramp-down 12cfs to RPA required flow conditions.

RPA B.3 Temperature Release Guidance: 2018

- Proportioning release points (surface/bottom releases) associated with temperature management is subject to operator discretion with the goal of targeting water temperatures at E-2 between 14.5°C and 16.5°C, not to exceed 17°C for the duration of this blockwater release (5/15/18 to 6/18/18).

POTTER VALLEY PROJECT RPA B.3/D.1 SPRING RELEASE STRATEGY 2018

Appendix B. Temperature proportioning guidance using the May 8, 2018 temperature profile provided by PG&E.

Date	Total E-2 release with Block Water (cfs)	Needle Valve release (cfs)	Using 5/8 Temps
			Computed Net Release Temperature (C) Assuming 50 cfs Release from Needle Valve
Tuesday, May 01, 2018	312	312	10.1
Wednesday, May 02, 2018	310	310	10.1
Thursday, May 03, 2018	312	312	10.1
Friday, May 04, 2018	292	292	10.1
Saturday, May 05, 2018	285	285	10.1
Sunday, May 06, 2018	280	280	10.1
Monday, May 07, 2018	275	275	10.1
Tuesday, May 08, 2018	270	270	10.1
Wednesday, May 09, 2018	259	259	10.7
Thursday, May 10, 2018	223	223	10.7
Friday, May 11, 2018	217	217	10.7
Saturday, May 12, 2018	211	211	10.7
Sunday, May 13, 2018	205	205	10.7
Monday, May 14, 2018	200	200	10.7
Tuesday, May 15, 2018	229	100	15.2
Wednesday, May 16, 2018	246	100	15.5
Thursday, May 17, 2018	242	100	15.5
Friday, May 18, 2018	230	100	15.3
Saturday, May 19, 2018	222	100	15.2
Sunday, May 20, 2018	218	100	15.1
Monday, May 21, 2018	215	100	15.1
Tuesday, May 22, 2018	211	100	15.1
Wednesday, May 23, 2018	200	100	14.8
Thursday, May 24, 2018	193	90	15.1
Friday, May 25, 2018	189	90	15.1
Saturday, May 26, 2018	187	90	15.1
Sunday, May 27, 2018	184	90	15.0
Monday, May 28, 2018	174	90	14.8
Tuesday, May 29, 2018	191	90	15.2
Wednesday, May 30, 2018	201	90	15.4
Thursday, May 31, 2018	198	90	15.4
Friday, June 01, 2018	186	90	15.2
Saturday, June 02, 2018	184	90	15.1
Sunday, June 03, 2018	177	90	15.0
Monday, June 04, 2018	175	80	15.4
Tuesday, June 05, 2018	164	80	15.2
Wednesday, June 06, 2018	158	80	15.0
Thursday, June 07, 2018	155	80	15.0
Friday, June 08, 2018	144	70	15.3
Saturday, June 09, 2018	138	70	15.1
Sunday, June 10, 2018	137	70	15.1
Monday, June 11, 2018	136	70	15.1
Tuesday, June 12, 2018	134	70	15.0
Wednesday, June 13, 2018	124	60	15.4
Thursday, June 14, 2018	117	60	15.1
Friday, June 15, 2018	115	55	15.4
Saturday, June 16, 2018	112	55	15.3
Sunday, June 17, 2018	110	55	15.3
Monday, June 18, 2018	99	50	15.2
Tuesday, June 19, 2018	92	92	10.7



Eel Russian River Commission

Agenda Summary

ITEM NO.: 4

AGENDA TITLE:

Potter Valley Project Fisheries Study Update and Brief Update Regarding Status of License Compliance Studies and Relicensing Studies

MEETING DATE: June 8, 2018

PRESENTER/S: Mr. Paul F. Kubicek

ITEM TYPE: Regular Agenda

ACTION:

MOTION: 2nd



Potter Valley Project Aquatic Biology Study Update ERRC Meeting; June 8, 2018

Paul Kubicek

Senior Consulting Scientist

Pacific Gas and Electric Company

License Compliance Studies

- Series of studies required by FERC license and NMFS' Reasonable & Prudent Alternative (RPA) to evaluate effectiveness of license conditions
- Studies conducted annually since 2005
- Studies will continue through termination of current FERC license – April 2022

License Compliance Studies

- Annual performance monitoring
- Chinook salmon carcass surveys
- Summer water temperature monitoring
- Summer fish rearing monitoring
- Pikeminnow monitoring & suppression

Relicensing Studies

- Additional studies to be conducted as part of relicensing process
 - Evaluate project impacts
 - Develop protection, mitigation, & enhancement measures
- Studies approved by FERC's Study Plan Determination – February 2018
- Implementation of studies in 2018 & 2019

Relicensing Studies

- Hydrology & Project Operations Modeling
- Water Temperature
- Water Quality
- Fluvial Processes & Geomorphology
- Instream Flow
- Lake Pillsbury Fish Habitat
- Fish Passage
- Fish Entrainment
- Fish Populations
- Special-Status Amphibians & Aquatic Reptiles
- Special-Status & Invasive Aquatic Mollusks

Relicensing Studies - Status

PG&E is now in the study implementation phase of relicensing studies. This involves:

- Consultations with agencies and stakeholders on study implementation (i.e., determining study sites, modeling approach, survey timing, etc.)
- Scheduling and conducting field work
- Data analysis
- Preparation of draft technical study reports and providing them to stakeholders for review and comment
- Preparation of final technical study reports
- Annual progress reporting/meetings.

Relicensing Studies – Next Steps

- Following the study implementation phase, PG&E will prepare draft and final license applications in accordance with FERC's regulations for the Integrated Licensing Process.
- The final license application is due to FERC prior to April 14, 2020.

Potter Valley Project Aquatic Studies Questions?





Eel Russian River Commission

Agenda Summary

ITEM NO.: 5

AGENDA TITLE:

PG&E Letter to the Commission Regarding the Potter Valley Project FERC Relicensing

MEETING DATE: June 8, 2018

PRESENTER/S: Mr. David Moller

ITEM TYPE: Regular Agenda

ACTION:

MOTION: 2nd

May 10, 2018

Eel-Russian River Commission
501 Low Gap Road, Suite 1010
Ukiah, CA 95482

Dear Eel-Russian River Commissioners:

During my February 23, 2018 presentation to the Eel-Russian River Commission, I informed you that Pacific Gas and Electric Company (PG&E) was evaluating several options for the Potter Valley Hydroelectric Project. I'm writing to let you know that after very careful consideration, PG&E has decided to put the project up for auction this fall.

This decision to begin the auction process ultimately reflects that continuing to operate the facility is not in the long-term best interests of PG&E's electric customers. However, PG&E fully realizes that the project has key environmental attributes and provides important regional benefits including recreation opportunities and a significant contribution to the Russian River water supply.

With this in mind, as we prepare for the auction PG&E is open to exploring with local, county and/or state governmental entities that have an interest in the continued operation of the project the possibility of transferring it to a local or regional entity as an alternative to the auction. PG&E will assess the progress of such transfer negotiations as they proceed, and based on meaningful progress, will either continue direct negotiations or proceed with the auction.

Participation in the auction will be open to any qualified entity. Qualifications will include being able to meet the Federal Energy Regulatory Commission's (FERC) requirements for a hydroelectric project licensee. We anticipate interest in acquiring the project by electric power interests, water supply interests, potential combinations of these two groups and possibly by others. Transfer of the project will require approval of both the FERC and the California Public Utilities Commission. The entire process could take one-and-a-half to two years to complete.

PG&E plans to continue the ongoing FERC relicensing proceeding throughout the auction process with the expectation that the new project owner will "step into PG&E's shoes" relative to the relicensing once regulatory approval of project transfer has been obtained.

Due to its relatively small electric generation capacity, divesting the Potter Valley Project will not impact PG&E's delivery of safe, clean, affordable and reliable electricity to our customers. The divestiture is expected to have a negligible impact on PG&E's overall portfolio of renewable power.

Throughout the divestiture process, PG&E will continue to operate the Potter Valley Project as a hydroelectric facility in full compliance with our FERC license and all applicable environmental laws and regulations.

Best regards,

A handwritten signature in black ink, appearing to read "David Moller". The signature is fluid and cursive, with the first name "David" and last name "Moller" clearly distinguishable.

David Moller
Director, Power Generation



Eel Russian River Commission

Agenda Summary

ITEM NO.: 6

AGENDA TITLE:

Informational Update Regarding Humboldt County Board of Supervisors Draft Policy Statement Regarding the Future of The Potter Valley Project

MEETING DATE: June 8, 2018

PRESENTER: Chair Fennel

ITEM TYPE: Regular Agenda

ACTION:

MOTION: 2nd

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 5, 2018

RESOLUTION NO. 18-56

**RESOLUTION ADOPTING THE COUNTY OF HUMBOLDT'S POSITION REGARDING
THE FUTURE OF THE POTTER VALLEY PROJECT ON THE EEL RIVER**

WHEREAS, the Potter Valley Project, currently owned by Pacific Gas & Electric (PG&E), was constructed on the main stem of the Eel River in Mendocino County between 1905 and 1922 to generate hydroelectric power, and through its operation serves as an inter-basin transfer of water from the Eel River basin to the Russian River basin; and

WHEREAS, the benefits of water diversions to the Russian River have come at the expense of substantial downstream impacts to the Eel River and its fisheries; and

WHEREAS, the main stem of the Eel River flows through Humboldt County for approximately 81 river miles before discharging into the Pacific Ocean; and

WHEREAS, the export of water from North Coast watersheds is one of Humboldt County's most significant water resource policy issues; and

WHEREAS, the ecosystem services and beneficial uses of the Eel River are a vital part of Humboldt County's core community values; and

WHEREAS, residents and communities within Humboldt County depend on the Eel River for water supply, fishing, recreation, and many other uses; and

WHEREAS, the County of Humboldt recognizes the importance of the Eel River to the Wiyot Tribe, Bear River Rancheria, Blue Lake Rancheria, Round Valley Indian Tribes, and other affected tribes for ceremonial, medicinal, practical, and subsistence uses; and

WHEREAS, the Potter Valley Project has contributed to habitat degradation, declining fish populations, economic losses, and loss of recreational opportunities within Humboldt County; and

WHEREAS, the Potter Valley Project has redistributed the natural wealth of the Eel River to the detriment of downstream communities in Humboldt County; and

WHEREAS, the Potter Valley Project has deprived the residents of Humboldt County from fully utilizing the resources of the Eel River; and

WHEREAS, PG&E's hydropower license for the Potter Valley Project expires on April 14, 2022; and

WHEREAS, Congressman Jared Huffman convened an ad hoc committee of interested parties in 2017 to work toward a two-basin solution that addresses issues and concerns in the Eel River and Russian River watersheds; and

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of June 5, 2018

RESOLUTION NO. 18-56

WHEREAS, PG&E announced, on May 10, 2018, its intent to put the Potter Valley Project up for auction; and

WHEREAS, the County of Humboldt has a duty, as a political subdivision of the State of California, to protect and restore the natural resources within County boundaries.

NOW, THEREFORE, BE IT RESOLVED THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS ADOPTS THE FOLLOWING POSITION STATEMENT REGARDING THE FUTURE OF THE POTTER VALLEY PROJECT:

- The County of Humboldt believes that decommissioning and full or partial removal of the Potter Valley Project is inevitable due to the aging infrastructure, low power production, and high cost of upgrading the facility to comply with current dam safety and environmental regulations.
- The County of Humboldt believes that restoration of fish populations in the Eel River will be best achieved through removal of Scott Dam to allow volitional fish passage to spawning and rearing habitat historically used by migrating salmonids.
- The County of Humboldt will actively participate in the hydropower re-licensing process administered by the Federal Energy Regulatory Commission, Congressman Jared Huffman's Potter Valley Project Ad Hoc Committee, and discussions exploring the potential transfer of the Potter Valley Project to a regional (multi-county) entity.
- The County of Humboldt recognizes that the Potter Valley Project provides tangible benefits to other counties and supports a collaborative approach to solving the regional issues and concerns.
- The County of Humboldt supports Congressman Huffman's call for a two-basin solution with co-equal goals and believes that consideration of Russian River water users' interests will be essential to achieving a comprehensive solution.
- The County of Humboldt will advocate strongly on behalf of the water users and natural resources within Humboldt County for water supply reliability, fish populations that support sustainable harvest opportunities, and full restoration of beneficial uses within the Eel River.
- The County of Humboldt will advocate for elimination of summer and fall water diversions and restoration of the Eel River's natural flow regime to restore and enhance fisheries, water quality, water supply, and recreational opportunities.
- The County of Humboldt will advocate for thorough consideration of the decommissioning alternative through the hydropower re-licensing process.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of June 5, 2018

RESOLUTION NO. 18-56

- The County of Humboldt will advocate for PG&E (or its successor) to sponsor a participatory process involving all affected stakeholders prior to the submittal of a final re-licensing application.
- The County of Humboldt will advocate for technical studies that fully address the primary concerns for Eel River watershed health and sustainability, which include: fish passage necessary for access to spawning and rearing habitat above Scott Dam; fish passage survival at Cape Horn Dam (for both adults and juveniles); downstream geomorphic effects; effects on environmental cues (flow and temperature) for migrating salmonids and other fish species; effects on invasive species (such as the Sacramento pikeminnow); effects on tribal uses and resources; and effects on downstream municipal, domestic, and agricultural water supply.
- With regard to a potential regional entity assuming operation of the facility, the County of Humboldt will advocate for full recovery of the County's costs; protection from liability; fair and equitable representation in the governance structure; and assurances that the needs of the Eel River and downstream communities will be satisfied.

Dated: June 5, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Sundberg, Fennell, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California



Eel Russian River Commission

Agenda Summary

ITEM NO.: 7

AGENDA TITLE:

Ad Hoc Committee Report On the Review of the Eel Russian River Commission Joint Powers Agreement

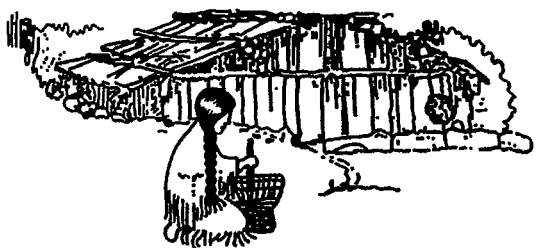
MEETING DATE: June 8, 2018

PRESENTER: Presenter/s: Commissioners Gore and
Fennell

ITEM TYPE: Regular Agenda

ACTION:

MOTION: 2nd



Wiyot Tribe

RESOLUTION OF THE WIYOT TRIBE

RESOLUTION NO: 18-05

Authorizing Request to Join the Eel-Russian River Commission

- Whereas:** The Wiyot Tribe is a federally-recognized Indian tribe with inherent powers of self-government protected by federal law and the Tribe's Constitution; and
- Whereas:** The Wiyot Tribal Council is the governing body of the Wiyot Tribe under the authority of the Constitution of the Tribe; and
- Whereas:** The Wiyot Tribe depends and has historically depended on the water and fishery resources of the Eel River within the Tribe's ancestral territory for subsistence and cultural purposes; and
- Whereas:** The Eel River has been decimated by hydroelectric dams; diversions into the Russian River; destructive forestry and grazing practices; unlawful diversions of water for cannabis growth; overfishing; pollution; and residential and commercial development; and
- Whereas:** The Wiyot Tribe is interested in working with neighboring governments and stakeholders to find a regional solution that meets the goal of restoring the Eel and Russian Rivers to healthy river ecosystems; and
- Whereas:** The Counties of Humboldt, Mendocino, Lake and Sonoma have entered into a Joint Exercise of Powers Agreement for the Formulation and Implementation of an Eel-Russian River Watershed Conservation and Development Plan ("Joint Powers Agreement") and have formed the Eel-Russian River Commission for this purpose; and
- Whereas:** California state law authorizes federally recognized Indian tribes to enter into joint powers agreements with other public agencies, Cal. Gov't Code § 6500; and
- Whereas:** The Wiyot Tribe's participation as a member of the Eel-Russian River Commission will promote the Tribe's goal of Eel River restoration.

NOW THEREFORE, BE IT RESOLVED, that Chairman Ted Hernandez and the staff of the Wiyot Tribe are authorized to formally request that the Eel-Russian River Joint Powers Agreement be amended to provide for membership for the Wiyot Tribe; and


BE IT FURTHER RESOLVED, that the Wiyot Tribe seeks to participate as a member of the Eel-Russian River Commission without any requirement of an initial or on-going financial contribution to the budget of the Commission; and

BE IT FURTHER RESOLVED, that nothing in this Resolution or the participation of the Wiyot Tribe in the work of the Eel-Russian River Commission shall be construed as waiving the sovereign immunity from suit enjoyed by the Tribe, its Tribal Council, employees, agents, members or consultants; and

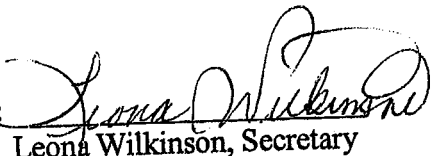
BE IT FURTHER RESOLVED, that if the Joint Exercise of Powers Agreement for the Formulation and Implementation of an Eel-Russian River Watershed Conservation and Development Plan is amended to provide for the membership of the Wiyot Tribe, Chairman Ted Hernandez is authorized to sign such amended agreement on the Tribe's behalf.

CERTIFICATION

This is to certify that Resolution ~~18-05~~ was approved at a regularly scheduled meeting of the Wiyot Tribal Council on March 12, 2018, at which a quorum was present, and that this Resolution was adopted by a vote of 4 Yes, 0 No, 0 and 0 Abstentions. This Resolution has not been rescinded or amended in any way.


Ted Hernandez, Chairman
Wiyot Tribe

ATTEST:


Leona Wilkinson, Secretary
Wiyot Tribe

JOINT EXERCISE OF POWERS AGREEMENT FOR THE
FORMULATION AND IMPLEMENTATION OF AN
EEL-RUSSIAN RIVER WATERSHED CONSERVATION
AND DEVELOPMENT PLAN

THIS JOINT EXERCISE OF POWERS AGREEMENT, is made and entered into by and between the following Public Agencies within the State of California, that is, the COUNTY OF HUMBOLDT, the COUNTY OF LAKE, the COUNTY OF MENDOCINO, and the COUNTY OF SONOMA, each of which is a political subdivision of the State of California.

RECITALS: This Agreement is made with reference to the following facts:

(a) WHEREAS, the Eel and Russian Rivers and their tributaries are valuable resources vital to economic development, environmental quality and general well being of the Counties of Humboldt, Lake, Mendocino and Sonoma, and successful achievement in the formulation and implementation of an Eel-Russian River Watershed Conservation and Development Plan requires a united, coordinated, orderly and positive approach to overcome the effects of unplanned development of the watersheds, limited areas available for economic growth and development, severely limited local public funds, limited tax base, and inadequacies of resources, facilities and services; and

(b) WHEREAS, the State and Federal governments have enacted a number of laws establishing new and more effective aid programs, but these aid programs are legally and administratively complex and impose substantial demands on local leadership and staff resources and a more areawide coordinated and united organizational

structure is needed to make the most effective use of such aid programs and particularly to formulate, implement and carry out an Eel-Russian River Conservation and Development Plan; and

(c) WHEREAS, the necessity for additional and improved public facilities and services, stimulation of public and private economic development activities, initiation of new and more effective watershed management plans, procedures and mechanisms as required for further public and private development programs and projects, present problems which cannot be adequately met by individual public agencies in this area; and

(d) WHEREAS, Title I, Division 7, Chapter 5 (commencing with Section 6500) of the Government Code of the State of California authorizes the joint exercise by agreement of two or more public agencies of any power common to them; and

(e) WHEREAS, pursuant to Section 25680 et seq. of the Government Code, the parties hereto possess in common the power to study, discuss, formulate and recommend policies, action plans, and procedures for the solution of watershed management and economic problems of direct concern to the performance of their constitutional and statutory functions, and the power to aid, assist and participate in the administration and implementation of such policies, plans, programs and procedures and expend public funds for these purposes; and

(f) WHEREAS, the parties hereto recognize that the exigencies of the problems in this area and within their respective jurisdictions require that they unify and coordinate their efforts in solving said problems by entering into this agreement to provide

for the joint exercise of their said powers in aiding and assisting in the implementation of an Eel-Russian River Watershed Conservation and Development Plan, to formally establish a joint powers organization to aid and assist in the formulation, implementation and execution of such a plan, and to officially establish the structure of the Board of Directors of said Joint Powers Agency;

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements set forth herein, the parties hereto agree as follows:

ARTICLE I - AUTHORITY

SECTION 1.01. Legal Authority. This Joint Exercise of Powers Agreement is made under the authority of Title I, Division 7, Chapter 5 (commencing with Section 6500) of the Government Code of the State of California.

ARTICLE II - DEFINITIONS

SECTION 2.01. General. Unless the context otherwise requires, the words and terms defined in this Article II shall, for the purposes hereof, have the meanings specified.

SECTION 2.02. Act. "Act" means Title I, Division 7, Chapter 5 (commencing with Section 6500) of the Government Code of the State of California.

SECTION 2.03. Commission. "Commission" means the Eel-Russian River Commission created pursuant to this agreement.

SECTION 2.04. Fiscal Year. "Fiscal Year" means the period from July 1 to and including the following June 30.

SECTION 2.05. Board of Directors. "Board of Directors" means the governing board of the Commission established pursuant to this agreement.

SECTION 2.06. State. "State" means the State of California.

SECTION 2.07. Administrative Expense. "Administrative Expense" means those sums of money required to be expended by the Commission from an administrative expense fund to be established and maintained by the Commission to finance those costs of administering this agreement and for carrying out the powers and functions authorized in this agreement which are not payable from the proceeds of either State or Federal grants.

SECTION 2.08. Member. "Member" means a member of the Board of Directors of the Commission and includes an alternate member.

ARTICLE III - PURPOSE

SECTION 3.01. Purpose. It is the purpose of this agreement to provide a united, coordinated, orderly, positive and more effective means for aiding and assisting in the formulation, administration, and implementation of an Eel-Russian River Conservation and Development Plan to promote proper watershed conservation and flood control measures and to provide measure to achieve proper economic stimulus and development in the Eel and Russian River watersheds for the general benefit of all the people in the participating counties by establishing a separate Eel-Russian River Commission and by vesting this Commission with power (1) to effectively aid, assist, and coordinate the formulation, administration and implementation of an Eel-Russian River Conservation and Development Plan and (2) to establish appropriate operating and advisory committees to conduct public hearings to assist the Commission in carrying out the foregoing purposes and to assist the Commission in the implementation of projects and programs to improve the quality of life in the area.

ARTICLE IV - FORMATION AND ORGANIZATION

SECTION 4.01. Creation of Commission. Pursuant to the Act, there is hereby created a public entity to be known as the "Eel-Russian River Commission", herein called "Commission." The Commission is a public entity, separate and apart from the parties to this agreement and said Commission shall administer this agreement.

SECTION 4.02. Governing Board. The Commission shall be governed by a Board of Directors composed of one member from the governing board of each public entity that is a party to this agreement, each serving in an individual capacity as a member of the Board of Directors. Each public entity that is a party to this agreement shall also appoint from its respective governing board, one alternate member of the Board of Directors. The alternate may attend and participate in any meeting of the Board of Directors of the Commission. The alternate may vote at any meeting of the Board of Directors of the Commission at which the regular member from the alternate's public entity is absent. Each member (and alternate member) shall serve at the pleasure of the appointing public entity. If a person serving as a member (or alternate) ceases to be a member of the governing board of the public entity that appointed such person to serve as a member (or alternate) on the Board of Directors of the Commission, he shall at the same time cease to be a member (or alternate) of the Board of Directors of the Commission. Such public entity shall proceed without undue delay to appoint a new member (or alternate) as the case may be.

All voting power of the Commission shall reside in the Board of Directors.

A. A member of the governing board of the public entity that appointed such person as a member of the Board of Directors of the Commission may serve simultaneously as a member of the governing board of such appointing public entity and as a member of the Board of Directors of the Commission.

B. No person while serving as a member of the Board of Directors of the Commission shall be eligible to be appointed to any salaried office or employment in the service of the Commission nor shall he become eligible for such appointment within one year after he has ceased to be a member of the Board of Directors of the Commission.

C. The members of the Board of Directors of the Commission shall serve without compensation. This shall not affect in any way remuneration received by a local public official who, in addition to his responsibilities as a local public official, serves as a member of the Board of Directors of the Commission. All members of the Board of Directors of the Commission may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as such members. Reimbursement of expenses shall be subject to approval of the Board of Directors of the Commission.

SECTION 4.03. Regular Meetings. The Board of Directors shall provide for its regular meetings. The date, hour, and place of the holding of regular meetings shall be fixed by resolution of the Board of Directors, and a copy of such resolution shall be filed with each party hereto.

SECTION 4.04. Ralph M. Brown Act. All meetings of the Board of Directors, including, without limitation, regular, adjourned

regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California).

SECTION 4.05. Minutes. The secretary of the Commission shall cause to be kept minutes of the meetings of the Board of Directors and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board of Directors and to each public entity that is a party to this agreement for approval at the next regular meeting of the Commission.

SECTION 4.06. Quorum. Three (3) members of the Board of Directors shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn, from time to time. An affirmative vote of at least three (3) members of the Board of Directors shall be required to take action on all policy and fiscal matters but a vote of the majority of a quorum at a meeting shall be sufficient for action on procedural matters.

SECTION 4.07. Rules. The Board of Directors of the Commission may adopt, from time to time, such by-laws, rules and regulations for the conduct of its meetings and affairs as are necessary for the purposes hereof.

SECTION 4.08. Office. The Board of Directors of the Commission may establish and maintain an office within the territory encompassed by the Commission as it deems will best facilitate the accomplishment of the objectives and purposes of the Commission.

SECTION. 4.09. Boundaries. The Commission shall encompass all of the territory within the geographical boundaries of Humboldt, Lake, Mendocino and Sonoma Counties.

ARTICLE V - OFFICERS AND EMPLOYEES

SECTION 5.01. Chairman, Vice-Chairman and Secretary. The Board of Directors shall elect a Chairman and Vice Chairman from among its members at its first meeting. Thereafter at its first meeting in each succeeding calendar year, the Board of Directors shall elect a Chairman and Vice Chairman. Each officer shall assume the duties of his office upon election. If either the Chairman or the Vice Chairman ceases to be a member, the resulting vacancy shall be filled at the next regular meeting of the Board of Directors held after such vacancy occurs. The Chairman shall preside at and conduct all meetings of the Board of Directors.

A. The Board of Directors shall select a Secretary who may, but need not, be a member of the Board of Directors. The Secretary shall serve at the pleasure of the Board of Directors and shall perform those duties and functions customary to the office of Secretary of a public entity.

B. The Chairman shall sign all contracts on behalf of the Commission and perform such other duties as may be imposed by the Board of Directors; and

C. The Vice Chairman shall act, sign contracts, and perform all of the Chairman's duties in the absence of the Chairman.

SECTION 5.02. Treasurer. The Treasurer-Tax Collector of the County of Mendocino is hereby designated as the Treasurer of the Commission and as the depository to have custody of all the money of the Commission from whatever source. The Auditor-Controller of the County of Mendocino is hereby designated as the Auditor-Controller of the Commission. The Treasurer-Tax Collector and

the Auditor-Controller shall have the duties and obligations set forth in Sections 6505 and 6505.5 of the Act and shall assure that there shall be strict accountability of all funds and report of all receipts and disbursements of the Commission.

The Board of Supervisors of the County of Mendocino shall determine the reasonable charges to be made against the Commission for the services of the Treasurer-Tax Collector and Auditor-Controller, such charges not to exceed the actual cost to the County for such services.

SECTION 5.03. Bonding Persons Having Access to Property.

From time to time, the parties hereto shall designate the public officers or persons, in addition to the Treasurer-Tax Collector and Auditor-Controller, having charge of handling or having access to any property of the Commission, and shall further designate the respective amounts of the official bonds of the Treasurer and Auditor-Controller and such other persons pursuant to Section 6505.1 of the Act.

SECTION 5.04. Legal Advisor. The Board of Directors shall select, appoint, employ and retain the legal advisor of the Commission, who shall perform such duties as may be prescribed by the Board of Directors.

SECTION 5.05. Other Employees. The Board of Directors shall have the power to appoint and employ such other officers, employees, and may contract with consultants and other professional persons or firms as it considers necessary for the purposes hereof.

SECTION 5.06. Compensation. The Board of Directors shall determine the compensation of, and pay from Commission funds

(including payment from funds which the Commission may receive from time to time in the form of federal and state grants) the salaries, wages, fees and other compensation of such planning, engineering, legal, financial, or other technical and professional personnel, consultants, and other employees of the Commission.

SECTION 5.07. Non-Civil Service. Nothing herein contained shall be construed as making the Commission a department of any party to this agreement or as placing any of the officers, counsel, personnel, or employees of the Commission under any other form of specially protected employment right or status.

ARTICLE VI - POWERS

SECTION 6.01. As provided in the Act, the Commission shall be a public entity separate from the parties hereto. The Commission shall have the power to aid and assist in the formulation, administration and implementation of an Eel-Russian River Watershed Conservation and Development Plan, and to further administer, coordinate, promote, carry out and implement the purposes of this agreement as referred to in Section 2.01 of Article III hereof.

SECTION 6.02. Specific Powers. The Commission is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers for the purposes of this agreement including, but not limited to, any or all of the following:

- A. To make and enter into contracts;
- B. To employ agents, employees, consultants, and independent contractors;
- C. To acquire, hold or dispose of real and personal property, or any interest therein, by deed, purchase, lease, contract, gift,

devise, or otherwise.

D. To sue and be sued in its own name, except as otherwise provided by law.

An action to determine the validity of any contract may be brought pursuant to Chapter 9 (commencing with Section 860) Title 10, Part 2 of the Code of Civil Procedure of the State of California.

E. To incur debts, liabilities or obligations, provided that no debt, liability or obligation shall constitute a debt, liability or obligation of any of the separate public entities that are parties to this agreement; provided that the total debts, liabilities or obligations incurred in any fiscal year do not exceed the revenue received in the same fiscal year.

F. To apply for, accept, receive and disburse grants, loans and other financial assistance from any agency of the United States of America or of the State of California, or from any other public agency or from other sources, public or private, and expend such funds for the purposes set forth in this agreement;

G. To invest any money, that is not required for the immediate necessities of the Commission, as the Commission determines is advisable, in the same manner and upon the same conditions as apply to local agencies, pursuant to Section 53601 of the Government Code of the State of California;

H. To carry out and enforce all the provisions of this agreement;

I. To contract for and obtain insurance against any insurable risk reasonably anticipated to result from the exercise of any powers or functions of the Commission or the performance of any

duties by the officers and employees of the Commission;

J. To make, adopt, amend, and repeal its by-laws, rules, ordinances, resolutions and procedural regulations not inconsistent with, and to carry into effect, the powers granted in and purposes of this agreement;

K. To perform such duties and functions as may be necessary or appropriate for the coordination of federal or state assisted programs and projects within the geographical boundaries of the Eel and Russian River watersheds;

L. To do and perform any and all acts necessary to participate in federal or state assisted projects within the jurisdictional boundaries of the Commission, including, without limitation, applying for, accepting and administering grants or other financial assistance from the federal government, the state, or other public agencies, or from any other sources, public or private, for such projects; to use and expend such funds for any of the purposes as described or referred to in this agreement; and to enter into and carry out contracts or agreements in connection therewith which are not inconsistent with the purposes and powers of the Commission as set forth in this agreement; and

M. To aid and assist member entities and other public agencies in the application for economic support of appropriate projects and programs.

N. To adopt a seal and alter it at its pleasure.

SECTION 6.03. Claims. All claims and actions for money or damages against the Commission and its officers and employees are

governed by Division 3.6 (commencing with Section 810) of Title I of the Government Code of the State of California. The Commission shall be deemed a "public entity" within the meaning of Division 3.6 of Title I of said Government Code.

SECTION 6.04. Interests in Contracts. The provisions of Article 4 (commencing with Section 1090), Article 4.5 (commencing with Section 1100), and Article 4.6 (commencing with Section 1120), Chapter 1, Division 4, Title I, and Sections 87100 et seq. of the Government Code of the State of California prohibiting certain financial interests in public contracts and pertaining to conflicts of interest shall apply to the officers, directors, and employees of the Commission.

SECTION 6.05. Enforcement by Commission. The Commission is hereby authorized to take any or all legal actions necessary and permitted by law to enforce this agreement.

ARTICLE VII - RESTRICTIONS ON POWERS

SECTION 7.01. Specific Restrictions. The following specific restrictions on the powers and functions of the Commission shall apply and be observed by the Commission:

- A. The Commission shall have no taxing powers.
- B. The Commission shall not interfere in the internal affairs of a member entity.
- C. The Commission shall have no veto power over grant applications submitted to state or federal agencies by a member entity.
- D. The Commission shall have no authority to incur any general obligation bond indebtedness.

ARTICLE VIII - METHOD OF PROCEDURE

SECTION 8.01. Assumption of Responsibilities. Upon completion of the initial organization of the Commission and the selection of a Chairman and Vice Chairman, and the appointment of the Secretary and Legal Advisor, the Commission shall proceed to carry out its duties and responsibilities as set forth in this agreement.

ARTICLE IX - FINANCIAL PROVISIONS

SECTION 9.01. Fiscal Year. The fiscal year of the commission shall be from July 1 of each year to and including June 30 of the following year.

SECTION 9.02. Contributions. The parties hereto shall each contribute to the Commission on or before May 1, 1978, the sum set forth opposite their respective names as shown in Exhibit "A" attached hereto and made a part hereof. Any financial contributions other than set forth above shall be made only upon official action by the governing board of such party hereto as may desire to make any further or additional contribution to the Commission.

The expenditure of funds contributed to the Commission by the parties hereto shall be used only for ordinary administrative and operating expenses of the Commission and for payment of fees and costs incurred or to be incurred by the Commission in connection with the preparation, filing and processing of one or more applications for federal financial assistance required for the implementation of the Eel-Russian River Watershed Conservation and Development Plan.

SECTION 9.03. Annual Budget.

A. The Board of Directors of the Commission shall, on or before February 1 of each year, prepare and submit to each party

hereto a budget estimate of the expenses of conducting the Commission for the ensuing year.

B. The budget estimate shall be in such form as the Board of Directors may prescribe using the guidelines of the California State Controller. The budget estimate shall contain a summary of the fiscal policy of the Commission for the budget year and shall include data showing the relation between the total proposed expenditures and the total anticipated income or other means of financing the budget for the ensuing year, contrasted with the corresponding data for the current year. The budget estimate may include an unappropriated balance item to be available for appropriation in the ensuing fiscal year to meet contingencies other than contingencies resulting from temporary insufficiencies in the revenues of the Commission.

C. After submission of the budget estimate, the Board of Directors shall fix a time and a place for hearing by the Board of Directors thereon.

At the budget hearing the Board of Directors may increase or decrease any item in the budget estimate and may delete any item therefrom or add any new item thereto.

Upon the conclusion of the budget hearing and not later than March 1 of each year the Board of Directors shall approve the budget estimate as submitted to the parties hereto or as revised by the Board of Directors, and thereupon the same shall constitute the final budget for the ensuing fiscal year.

The several items of the final budget shall be deemed appropriated for the ensuing fiscal year in the amounts and for the purposes specified in the final budget.

SECTION 9.04. Records and Accounts. The Commission shall cause to be kept accurate and correct books of account, showing in detail the costs of administration, bond interest, bond redemption, operation and maintenance, and all financial transactions of the Commission. Said books of account shall be open to inspection at all times during normal working hours by the public or any representative of any of the parties hereto, or by any accountant or other person authorized by any party hereto to inspect said books of account. The Auditor-Controller shall, in accordance with Section 6505 of the Act, cause the books of account and other financial records of the Commission to be audited annually.

ARTICLE X - TERMINATION

SECTION 10.01. Term. This agreement shall be effective on the 1st day of May, 1978, and shall continue until rescinded or terminated by agreement of all the parties hereto, provided that termination shall not occur less than six months before the end of the fiscal year.

SECTION 10.02. Disposition of Assets. On the termination of this agreement, surplus money of the Commission shall be returned to the respective parties hereto in the same proportions that the total of all contributions paid by each party pursuant to Sec-9.02 hereof during the term of this agreement bears to the total of such contributions paid by all the parties hereto. On the termination of this agreement, all property of the Commission, both real and personal, shall be divided among the parties hereto in such manner as shall be agreed upon by the parties hereto and, until such division is agreed upon shall be held in trust by the Commission for all the parties hereto.

ARTICLE XI - MISCELLANEOUS PROVISIONS

SECTION 11.01. Notices. Notices hereunder shall be sufficient if delivered to: The Chief Administrative Officer of each party hereto or to such other person and address as a party hereto may request in writing to the Commission from time to time. Notice to the Commission shall be sufficient if delivered to the Office of the Secretary of the Commission.

SECTION 11.02. Amendment of Agreement. This agreement may be amended only by an agreement approved by all of the then participating public entities. Approval of the Board of Directors of the Commission shall not be required for amendment of this agreement.

SECTION 11.03. Partial Invalidity. If any one or more of the terms, provisions, sections, promises, covenants, or conditions of this agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever, by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

SECTION 11.04. Withdrawal of Member. Any party hereto may withdraw as a party to this agreement at any time upon the giving to the Commission six months prior written notice of its intent to withdraw. The withdrawing party shall be entitled to reimbursement of its pro rata share of the balance of any monies contributed by members from local funds which are unencumbered when notice of withdrawal is received by the Commission. Likewise, the withdrawing

party shall be entitled to its pro rata share of the proceeds from sale of any property or equipment which was purchased with local funds contributed by the members.

SECTION 11.05. Notice to Secretary of State. The Secretary of the Commission shall be responsible for preparing and filing the notice to the Secretary of State of this joint exercise of powers agreement, pursuant to the provisions of Section 6503.5 of the Government Code of the State of California.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto

affixed, as of the day and year first above written.

COUNTY OF HUMBOLDT

By *Erin C. Ruman*
Chairman of the Board of Supervisors
of the County of Humboldt, State of
California.

(SEAL)

ATTEST:

DONALD R. MICHAEL
County Clerk and ex officio Clerk
of the Board of Supervisors of the
County of Humboldt, State of California.

By *Doris L. Smith*
Deputy Clerk

COUNTY OF LAKE

By *Robert M. Jones*
Chairman of the Board of Supervisors
of the County of Lake, State of
California.

(SEAL)

ATTEST:

LOIS R. HESTERBERG

County Clerk and ex officio Clerk
of the Board of Supervisors of the
County of Lake, State of California.

By *Norma G. Thresher*
Deputy Clerk

COUNTY OF MENDOCINO

By *Ed Jant*
Chairman of the Board of Supervisors
of the County of Mendocino, State of
California.

(SEAL)

ATTEST:

Albert P. Beltrami
~~County Clerk and ex officio~~ Clerk
of the Board of Supervisors of the
County of Mendocino, State of California.

By *Orville P. Stark*
Deputy Clerk

COUNTY OF SONOMA

By *B. Nelson*
Chairman of the Board of Supervisors
of the County of Sonoma, State of
California

(SEAL)

ATTEST:

Leve L. Lewis
County Clerk and ex officio Clerk
of the Board of Supervisors of the
County of Sonoma, State of California

By _____
Deputy Clerk